

**REMARKS**

Please reconsider the application in view of the foregoing amendments and the following remarks.

**Status of Claims**

Claims 1, 4 and 6-8 are pending in the present application. Claims 1 and 4 are herein amended. The limitations of claim 3 have been incorporated into claim 1. Claim 3 is herein cancelled. No new matter has been presented.

**Information Disclosure Statement**

Applicants note with appreciation the Examiners thorough consideration of the references cited in the Information Disclosure Statement (IDS) submitted on May 20, 2009.

**As to the Merits**

As to the merits of this case, the Examiner sets forth the following rejections:

Claims 1, 3 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 2004/0077379 (hereinafter **Smith**) in view of US Patent Application Public 2004/0087282 (hereinafter **Ishikawa**).

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 2004/0077379 (hereinafter **Smith**) in view of US Patent Application Public 2003/0224729 (hereinafter **Arnold**).

Claims 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Public 20040077379 (hereinafter **Smith**) in view of US Patent Application Public 2004001 4457 (hereinafter **Stevens**).

Applicant herein amends claim 1 to incorporate the limitations of claim 3 in order to overcome the rejection of claims 1 and 3 based on Smith in view of Ishikawa.

### **Claim Rejections - 35 U.S.C. §103**

#### **Independent Claim 1**

A prima facie case of obviousness requires that the combination of the cited prior art, coupled with the general knowledge in the field, must provide all of the elements of the claimed invention.

Claim 1, as amended, is drawn to at least ... *wherein said first transmitter comprises an operating means for conducting a transmitting operation by which the radio field intensity outputted from said first antenna is set higher than the radio field intensity outputted from said second antenna.*

For example, as illustrated in Figs. 4A and 4B, the radio field intensity outputted from the first antenna 11 is set at  $a_1$  which is higher than the radio field intensity outputted from the second antenna 21 which is set at  $a_2$ .

On page 4, lines 10-15 of the Office Action, it is alleged that “Smith disclose[s] ‘wherein, said first transmitter comprises an operating means which conducts a transmitting operation, and radio field intensity outputted from said first antenna is set higher than the radio field intensity outputted from said second antenna’ (see paragraph [0099], Smith discusses set different field intensity as set antenna to coverage area, thereby, with Smith invention can set different field intensity on each antenna).” (underline added for emphasis).

Applicants respectfully submit that the Examiner has erred substantively as to the factual findings based on the teachings of the Smith. More specifically, Smith, in paragraph [0099] teaches the first antenna array 260 operates to provide a coverage area 115 with a first set of three fixed beams 108a, 110a, 112a at +45° polarization. Similarly, the second antenna array 270 operates to provide the same coverage area (requires outputting same radio field intensity) 115 with a second set of three fixed beams 108b, 110b, 112a at -45° polarization which are each substantially coextensive with corresponding beams of the first set of three fixed beams. More generally, **any orthogonal polarizations may be employed.**

**In other words**, Smith teaches Polarization isolation technique where first set of fixed beam antennas and second set of fixed beam antennas are of different polarizations, i.e.  $\pm 45^\circ$  polarization or  $\pm 90^\circ$  (orthogonal) polarization. By way of separating transmit signals by separating the signals in plane by 45 or 90 degrees apart, Smith increases the transmission capacity within an allocated frequency band. That is, by having two sets of three narrow fixed beam width antennas coupled with the polarization separation in plane, the frequency reuse among sectors within a cell site or among neighboring cell sites can be increased and increase in frequency reuse directly results in the increase in the transmission capacity within an allocated frequency band.

However, Smith is concerned with improving capacity with the allocated frequency band, and not with setting the radio field intensity outputted from the first antenna higher than the radio field intensity outputted from the second antenna. **In contrast**, in the claimed invention, the first transmitter comprises an operating means for conducting a transmitting operation by which the radio field intensity outputted from the first antenna is set higher than the radio field intensity outputted from the second antenna because for the case where the radio field intensity from the first antenna is attenuated because a user holds both transmitter by hand, the first antenna still outputs sufficient intensity for receiving even though the radio field intensity has been disrupted by the user's hand. Also, Ishikawa does not remedy this deficit.

Because the proposed combination of the afore-cited references does not teach or disclose *wherein said first transmitter comprises an operating means for conducting a transmitting operation by which the radio field intensity outputted from said first antenna is set higher than the radio field intensity outputted from said second antenna* in amended claim 1, Applicants submit that claims 1, 4 and 6-8 would not have been obvious over these references. Accordingly, Applicants request that the rejection under 35 U.S.C. 103 be withdrawn.

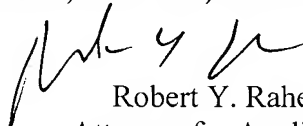
**Conclusion**

The Claims have been shown to be allowable over the prior art. Applicants believe that this paper is responsive to each and every ground of rejection cited in the Office Action dated September 3, 2009, and respectfully request favorable action in this application. The Examiner is invited to telephone the undersigned, applicants' attorney of record, to facilitate advancement of the present application.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Robert Y. Raheja  
Attorney for Applicants  
Registration No. 59,274  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

RJR/bam